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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,978	02/06/2004	James Bird	16-411	7120

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Volvo Corporate Patents  
7825 National Service Rd.  
M.S. AP1/3-41  
Greensboro, NC 27409

EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/773,978

Applicant(s)

BIRD ET AL.

Examiner

Greg Blankenship

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 7/29/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25,27-37,39,40,42-48,51,53 and 54 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-25,27-37,39,40,42-48,51,53 and 54 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The indicated allowability of the pending claims is withdrawn in view of the newly discovered reference(s) to Cook (4,746,263). Rejections based on the newly cited reference(s) follow.

#### ***Claim Objections***

2. Claims 28, 36, and 54 are objected to because of the following informalities:

Claim 28, line 2, "a center" should be ~~the center~~;

Claim 36, line 3, "said path" should be ~~a path~~;

Claim 54, line 1, "axle a" should be ~~axle and a~~.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 45 is not clearly understood since the phrase, "the bumper member", could refer to either the "first bumper member" or the "second bumper member". Based on applicant's disclosure, the examiner has read the phrase as "the first bumper member".

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 25-33, 35-37, 39, 40, 42-48, 51, 53, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (4,746,263).

Cook discloses a vehicle (10) having a moveable bumper arrangement. Figures 1-3 show the moveable bumper arrangement having an elongated bumper member (18), an end bumper member (24), and a mechanism (22,38,94) coupled to the end bumper member (24) that allows substantially translational movement of the end bumper member (24) with respect to the elongated bumper member (18) from a first position (Figure 1) at an end of the elongated bumper member (18) to a second position (Figure 2) that is spaced apart from the elongated bumper member (18). In reference to claims 2 and 4, the mechanism (22,38,94) allows the end bumper member (24) to rotate with respect to the end bumper unit (18) when the two members are spaced apart, as seen in Figure 3. In reference to claims 3, 28, 30, 42, 43, and 51, the end bumper member (24) is detachably connected to the elongated bumper member (18) by the latch mechanism (34,36) in the first position. The end bumper member (24) must be moved to the second position after uncoupling the latch mechanism to detach the end bumper member (24) from the elongated bumper member (18). In reference to claims 5, 29, 39, 46, and 47, the detachable connection includes a recess in latch (34), as seen in Figure 3, and a latching projection (36) that is accepted into the recess when latching the end bumper member (24) to the elongated bumper member (18). In reference to claims 6, 35, and 48, the end bumper member (24) can be simultaneously rotated and moved linearly with respect to the elongated bumper member when the bumper members are detached. In reference to claims 25, 53, and 54, the mechanism (22,38,76,94) is supported by a vehicle component (20). The end bumper member is connected to the vehicle by the mechanism

that allows translational and rotational movement. The end bumper member must be separated by translational movement, parallel to the axle of the wheels, before the end bumper can pivot about the end of element (22) due to the design mechanism. In reference to claims 27 and 45, a clamp (114) clamps the end bumper member in position. In reference to claim 31, the mechanism allows the end bumper member (24) to be rotated after the end bumper member (24) has been detached from the center bumper member (18). In reference to claim 32, the exterior surface of element (22) of the mechanism functions as a handle that allows movement of the end bumper member when the handle is moved. In reference to claim 33, the mechanism includes a first mechanism member (22) and a second mechanism member (38,76) that allows the first mechanism member (22) to slide and rotate with respect to the second mechanism member (38). In reference to claim 36, a pin (106) extends from the first mechanism member (22) and moves inside a slot (102) defined in the second mechanism member (38,76) to define a path of travel. In reference to claim 37, a first mechanism member (38) is attached to a vehicle component (20). A second mechanism member (22) is coupled to the first mechanism member (38) by a coupling that allows a path of travel with a linear portion and a rotational portion. An end bumper portion (24) is connected to the second mechanism member (22) such that it may slide and rotate with respect to the vehicle. The end bumper member (24) is detachably connected to a center bumper member (18). In reference to claim 40, the first bumper member (24) is pulled away from the second bumper member (18) before the first bumper member (24) is rotated with respect to the second bumper member (18). In reference to claim 44, the first bumper member (24) is rotated with respect to the second bumper member (18) after the two members have been detached.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (4,746,263).

Cook discloses the claimed moveable bumper arrangement. In reference to claim 13, the bumper member (24) can be rotated about its longitudinal axis that is parallel to an axis of the wheel. However, Cook does not disclose the bumper arrangement being attached to the front end of a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the moveable bumper arrangement of Cook to the front end of a vehicle to increase the functionality of the vehicle by providing it with a hoist.

9. Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (4,746,263).

Cook discloses the interior of element (76) of the second mechanism member being arcuate.

However, Cook does not disclose the first mechanism member being arcuate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the first mechanism member of Cook with a circular cross-section to simplify manufacturing.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab  
October 18, 2005

  
PATRICIA L. ENGLE  
PRIMARY EXAMINER  
Art Unit 3612